

TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 PLD



Project Name: HOWARD SCHMID
CLUSTER SHORT PLAT

Case Numbers: PLD2008-00071; SEP2008-00113;
SHL2008-00010; EVR2008-00086

Location: 18908 NE 65th Street

Request: Approval to divide a 20.93 acre parcel into 4 lots using the cluster development provisions in the Rural (R-5) zoning district. The proposal also requires a Shoreline Conditional Use Permit, and includes a request to reduce transportation sight distance requirements.

Applicant: Byron Woltersdorf
717 NE 61st Street, Suite 202
Vancouver, WA 98665
(360)260-9400 ext. 41
Byron@mossandassociates.net

Contact Person: Same as applicant

Property Owner: Howard Schmid
18908 NE 65th Street
Vancouver, WA 98682

DECISION

Approved, subject to Conditions

Team Leader's Initials: *MB* **Date Issued: June 18, 2009**

County Review Staff:

| <u>Title</u> | <u>Name</u> | <u>Phone</u> (360) 397-2375 Ext. | <u>E-mail Address</u> |
|--|------------------|--|--|
| Planner: | Alan Boguslawski | 4921 | Alan.boguslawski@clark.wa.gov |
| Engineer: (Trans. & Stormwater): | David Bottamini | 4881 | David.bottamini@clark.wa.gov |
| Wetlands Biologist: | Brent Davis | 4152 | Brent.davis@clark.wa.gov |
| Habitat Biologist: | Dave Howe | 4598 | Dave.howe@clark.wa.gov |
| Manager: | Mike Butts | 4137 | Michael.butts@clark.wa.gov |
| Engineering Supervisor: (Trans. & Stormwater): | Sue Stepan | 4064 | Sue.stepan@clark.wa.gov |
| Fire Marshal: | Tom Scott | 3323 | Tom.scott@clark.wa.gov |

Comp Plan Designation: Urban Low Density Residential

Parcel Number: Parcel (169488-000) located in the East half of Section 7, Township 2 North, Range 3 East of the Willamette Meridian.

Applicable Laws:

Clark County Code 15.12 (Fire Prevention); 40.210.020 (Rural Districts); 40.350 (Transportation & Circulation); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.420 (Flood Hazard Areas); 40.440 (Habitat Conservation); 40.450 (Wetland Protection); 40.500.010 (Procedures); 40.460 (Shorelines); 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.550.010 (Road Modifications); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); Title 24 (Public Health), Clark County Shoreline Management Master Program, RCW 58.17 (State Platting Laws); and RCW 90.58 (Shoreline Management Act).

Neighborhood Association/Contact:

Proebstel Neighborhood Association

Wendy Garrett

3021 NE 72nd Drive, Suite 9

PM Box 109

Vancouver, WA 98661

(360) 253-9659

E-mail: proebstelnawendy@yahoo.com

Time Limits:

The application was determined to be fully complete on January 20, 2009. The application was on hold for a total of 75 days for the applicant to submit additional

information. Therefore, the County Code requirement for issuing a decision within 78 days lapses on June 22, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on August 3, 2009.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on February 14, 2008. The pre-application was determined to qualify for contingent vesting as of January 24, 2008, the date the pre-application was submitted. However, the application was not submitted within 180 days.

The fully complete application was submitted on January 14, 2009 and determined to be fully complete on January 20, 2009. Given these facts the application is vested on January 14, 2009.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Proebstel Neighborhood Association, SEPA agencies, and owners of property located within 500 feet of the site on March 6, 2009.

Public Comments:

Two comment letters were received by the county in response to the public notice, as follows:

1. Received on March 20, 2009 from Washington Department of Ecology (Exhibit #6). The letter from Ecology states that proper erosion and sediment control practices must be used to prevent sediment from entering LaCamas Creek. An NPDES permit from Ecology is required if one acre or more will be disturbed. Also, ground water withdrawals from all proposed wells within the development are limited to 5,000 gallons per day combined for domestic uses. An Administrative Water Right permit is required for ground water withdrawal exceeding 5,000 galls per day for irrigation. Additional requirements are cited for water wells.

Staff Response

The applicant has been provided with a copy of the letter from Ecology and is separately responsible for compliance with all state and federal requirements. Compliance with the county Stormwater and Erosion Control Ordinance will prevent contamination and sedimentation of ground water and surface waters.

2. Received on March 25, 2009 from Johnson Meninick, Yakama Indian Tribe (Exhibit #7). The letter cites the applicability of RCW 27.53 for the protection of archaeological and cultural resources and states that this statute should be listed on the public notice under the applicable code sections. The letter expresses concern for any cultural or archaeological resources that may be located in the development area.

Staff Response

An archaeological predetermination on the site was conducted for the applicant by Archaeological Services of Clark County, and the results of the investigation were sent to the Department of Archaeology & Historic Preservation on February 11, 2009. DAHP concurred with the recommendation that a formal survey be conducted to define the boundaries of the archaeological deposits recorded during the predetermination survey (see Exhibit #9). The archaeological survey was conducted and forwarded to DAHP on May 19, 2009. A final letter from DAHP (Exhibit #11) concurs with the survey recommendation that the site is a low density, low diversity site that would not provide information important to history or prehistory. (see Finding 4 below and Condition D-7.h.)

Project Overview

The subject parcel contains 20.93 acres, including right-of-way. The site contains an existing farmstead, including a dwelling and a barn, which are proposed to be retained on the remainder parcel, 17.25 acre Lot 1. The remainder of the property would be divided into three additional lots averaging approximately 1.2 acres.

NE 65th Street abuts the site on the south and NE 192nd Avenue abuts on the east. The existing residence is served by a driveway from 65th Street, which would be retained. Proposed lot 2 abuts 65th Street and would have its own new driveway. Proposed lots 3 & 4 abut 192nd Avenue and would share a single new driveway.

Lacamas Creek runs along the north boundary of the property. Its flood plain and shoreline area extend onto the site, including wetlands and riparian habitat. No development activities are proposed within the sensitive areas or their buffers.

The south half of the property is relatively flat, open and grass covered, except for a stand of trees and shrubs surrounding the existing residence. The north portion of the property drops away toward the creek and is covered mostly with low shrubs except for several trees along the edge of the creek.

The southeast corner of the site abuts a 1-acre parcel containing a residence. The site is surrounded by large rural parcels containing residences and agricultural activities.

The site is located within the Evergreen School District and Fire District #5.

Surrounding uses and zoning are as indicated along with those of the site in the following table:

| Compass | Comp Plan | Zoning | Current Land Use |
|-----------|-------------|-------------|-----------------------------|
| Site | Rural (R-5) | Rural (R-5) | Residential/ Agriculture |
| Northwest | Rural (R-5) | Rural (R-5) | Residential/ Agriculture |
| Southwest | Rural (R-5) | Rural (R-5) | Residential/ Agriculture |
| South | Rural (R-5) | Rural (R-5) | Residential/ Agriculture |
| Northeast | Rural (R-5) | Rural (R-5) | Residential/ Agriculture |

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

LAND USE:

Finding 1 Development Standards

CCC 40.210.020(D) contains standards for rural cluster development. Three cluster lots and one remainder lot are created through this proposal, with the remainder lot comprising more than 65% of the site, as required. The cluster lots comply with minimum size and dimension criteria, as proposed.

The proposal complies with the maximum density of one dwelling per 5 acres.

The remainder lot will contain all critical areas and their buffers, as required.

The applicable setbacks for structures in cluster developments in the R-5 zone, in accordance with Table 40.210.020-5, are as follows:

- Front – 20 feet (50 feet for agriculture buildings)
- Side – 20 feet (50 feet for agriculture buildings)
- Rear – 20 feet (50 feet for agriculture buildings)

The existing structures are shown to be in compliance with applicable setbacks.

The maximum building height for residential buildings is 35 feet. Compliance with setbacks and building height standards for the new cluster lots will be reviewed in conjunction with the building permit for any new structure.

Finding 2 Design Requirements

The following design requirements and restrictions in CCC 40.210.020(D)(5) are required to be recorded on the plat (see Conditions D-7.a, b, & c.):

1. No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping.
2. Sight-obscuring fences of any height are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences are at least fifty percent (50%) opaque.
3. To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features.

Finding 3 Landscaping

In cluster developments, landscaping to reduce the views of the cluster lots from the public right-of-way is required, in accordance with CCC 40.210.020(D)(6). A landscape buffer is required along the front lot line of the three cluster lots (2, 3, & 4). This buffer shall consist of a combination of trees and shrubs providing a 6-foot high, 50% opaque year around screen.

The preliminary landscape plan proposes a buffer consisting of a row of Leland Spruce trees planted every 15 feet. However, the landscape plan does not identify the species name or planting size, so staff is unable to verify compliance with the criteria. (see Condition D-1)

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to conditions identified under Conditions of Approval below, meets the land use requirements of the Clark County Code.

ARCHAEOLOGY:

Finding 4 Archaeology

Much of the site is mapped on county archaeological predictive maps as having a high potential for containing artifacts. Thus, the applicant was required to perform an archaeological predetermination.

An archaeological predetermination on the site was conducted for the applicant by Archaeological Services of Clark County, and the results of the investigation were sent to the Department of Archaeology & Historic Preservation on February 11, 2009. DAHP concurred with the recommendation that a formal survey be conducted to define the boundaries of the archaeological deposits recorded during the predetermination survey (see Exhibit #9). The archaeological survey was conducted and forwarded to DAHP on May 19, 2009. A final letter from DAHP (Exhibit #11) concurs with the survey recommendation that the site is a low density, low diversity site that would not provide information important to history or prehistory. (see Condition D-7.h.)

Conclusion (Archaeology):

Staff finds that the proposed preliminary plan, subject to conditions identified below under Conditions of Approval, meets the archaeology requirements of the Clark County Code.

SHORELINE:

Finding 5 Shoreline Jurisdiction

LaCamas Creek runs along the north site boundary. Shoreline jurisdiction extends 200 feet from the ordinary high water mark of a stream or the extent of the 100 year flood plain, which ever is greater, and also includes all associated wetlands. Therefore, this land division proposal is subject to the Clark County Shoreline Management Master Program, and is subject to the provisions of the Shoreline Management Act. For the land division, a Shoreline Conditional Use Permit is required, and the applicant has filed such application (SHL2008-00010) in conjunction with the development application.

The preliminary plat identifies the locations of the ordinary high water mark, the flood plain, the wetland, and the extent of the shoreline jurisdiction, which is labeled "Shoreline buffer".

No development activities are proposed within the jurisdictional shoreline. All proposed dwellings, driveways, stormwater features, wells and septic systems will be located a substantial distance from the shoreline.

The county's shoreline review committee has met and determined that the land division will not impact the shoreline jurisdiction, as proposed. (see Condition D-7.d.)

Conclusion (Shoreline):

Staff finds that the proposed preliminary plan, subject to conditions identified below under Conditions of Approval, meets the shoreline requirements of the Clark County Code.

HABITAT:

Finding 6 Habitat Conservation Zone

Lacamas Creek, a Department of Natural Resources (DNR) type S (shoreline) stream flows through a portion of the property. According to CCC 40.440.010(C)(1)(a), a DNR type S watercourse requires a 250-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The riparian HCZ extends 250' horizontally outward from the ordinary high water mark or to the edge of the 100-year floodplain, whichever is greater. The former of these two measurements defines the jurisdictional extent of the riparian HCZ in this case.

The applicant proposes building envelopes that are outside of the riparian HCZ on the site. The proposed building envelopes comply with the exemption criterion identified in Table 40.440.010-1, row 2 of the Habitat Conservation Ordinance. A condition of approval is warranted to ensure compliance. (see Condition D-3)

Conclusion (Habitat):

Staff finds that the proposed preliminary plan, subject to conditions identified under Conditions of Approval below, meets the habitat requirements of the Clark County Code.

WETLANDS:

Finding 7 Wetland Determination

Staff completed a wetland determination (WET2009-00003) and found Category 4 wetlands. Staff mapped acceptable development envelopes within the proposed remainder lot. The proposed cluster lots do not contain wetlands and wetland buffers. However, the proposed development envelopes on the remainder lot need

to be revised to clearly avoid all potential wetland and wetland buffer areas shown on the wetland determination map. (see Conditions D-4 & D-7.k.)

Conclusion (Wetlands):

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed preliminary plat complies with the requirements of the Wetland Protection Ordinance; PROVIDED that certain conditions (listed below under Conditions of Approval) are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FLOODPLAIN:

Finding 8 Flood Hazard Area

The 100-year floodplain shall be clearly delineated on all construction plans and final plat. The floodplain delineation shall represent the SFHA depicted on the preliminary FEMA FIRM Map Number 53011C0411D. The floodplain limits shall range from a base flood elevation (100-year) of 220.00' NGVD on the eastern portion of Lot 1 to a base flood elevation of 222.5' NGVD on the western portion of Lot 1. These elevations represent the Preliminary Flood Insurance Study for Clark County Washington's base flood elevations for LaCamas Creek. (see Condition D-2)

A note also needs to be added to the final plat that states, "Any grading or structure placement on Lot 1 within the delineated 100-year floodplain will require a floodplain permit and shall meet the requirements of CCC 40.420 Flood Hazard Areas". (see Condition D-7.e.)

Conclusion (Floodplain):

Staff finds that the proposed preliminary plan, subject to conditions identified below under Conditions of Approval, meets the floodplain requirements of the Clark County Code.

TRANSPORTATION:

Finding 9 Roads

NE 65th Street and NE 192nd Avenue are both designated "Rural Local Access" roads, which require a 25-foot half-width right-of-way. The applicant proposes the minimum dedication of 25 feet.

Finding 10 Access

Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus and approved turnouts at maximum 500-foot intervals (see the Standard Details Manual, Drawing #33). Where connected to a paved rural street, public or private, the connecting road or driveway shall be paved 20 feet back from the edge of the nearest travel lane or right-of-way, whichever is greater. (see Conditions D-7.f. & g, and F-1)

Finding 11 Road Modifications

The applicant has requested relief from the sight distance code section, CCC 40.350.030(B)(8).

If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.010. The request shall meet one (or more) of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

The applicant indicates that a proposed joint driveway accessing NE 192nd Avenue has a deficient sight distance of 450 feet, which does not meet the minimum 500-foot requirement per Table 40.350.030-11. The applicant has provided a speed study which indicates that the average speed is closer to 34 miles per hour and the speed to the 85th percentile is 37 miles per hour in the northbound lane. In the southbound lane, the speed study indicates that the average speed is about 34 miles per hour and the speed to the 85th percentile is 38 miles per hour. This is due to existing bends in the road at the north and south ends of NE 192nd Avenue.

The applicant believes the request can be justified according to CCC 40.550.010(A)(1)(a). The applicant provided a sight distance letter dated September 11, 2008 as part of the road modification.

Staff finds that the request can be supported per CCC 40.550.010(A)(1)(b). It appears that the bends to the north and south contribute toward reduced vehicle speeds which justifies a reduced sight distance. The applicant has proposed a joint driveway for lots #3 and #4 in a location that seems to maximize sight distance.

Staff concludes that the road modification request should be approved.

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified under Conditions of Approval below, meets the transportation requirements of the Clark County Code.

STORMWATER:

Finding 12 Applicability

This project is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Projects that meet the eligibility requirements of CCC 40.260.110(B)(1) and create less than 5,000 square feet of new impervious surface area are exempt from CCC 40.380.040(B) and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate roof runoff may be deducted from area calculations. The applicant has correctly indicated the amount of proposed impervious area that will be created is less more 5,000 square feet and therefore CCC 40.380.040(B) and CCC 40.380.040(C) do apply.

Finding 13 Stormwater Proposal

The applicant has provided a storm drainage certification of "feasibility" for the proposed Howard Schmid Cluster Short Plat dated October 12, 2009. The applicant has proposed a combination of a StormFilter (Contech Stormwater Solutions), filterstrips, and rain gardens for the purpose of water quality control, and dispersion for the purpose of water quantity control. However, the applicant has not demonstrated compliance with CCC 40.380.040(B)(5)(b) and has not provided infiltration data.

At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan; or must demonstrate that CCC 40.380.040(B) and CCC 40.380.040(C) do not apply. At a minimum, the applicant shall provide evidence of performed monitoring and associated published paper and report in lieu of monitoring required by CCC 40.380.040(B)(9). (see Condition E-1)

A covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification. (see Condition D-6.a.)

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions identified under Conditions of Approval below, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 14 Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323, or e-mail at tom.scott@clark.wa.gov. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in

meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 15 Fire Flow

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is not available within 1,000 feet of the property line. Fire hydrants will not be required. Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 sq. ft. of habitable space. (see Condition E-2)

Finding 16 Fire Hydrants

Information from the water purveyor indicates that the required fire flow is not available within 1,000 feet of the property line. Fire hydrants will not be required.

Finding 17 Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

All other new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (see Condition F-2)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified below under Conditions of Approval, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 18 Utilities

The existing residence is served by a private well and on-site septic system. The applicant proposes to serve the three new cluster lots with individual on-site water wells and septic systems. (see Condition D-5)

Finding 19 Health Department

The applicant submitted a Development Review Evaluation dated December 30, 2008, performed by the Clark County Health Department (Exhibit #2, Tab 12). The evaluation is satisfactory for the proposed 4-lot cluster short plat, subject to conditions. (see Condition D-5)

The initial and reserve drainfield areas for lots 2-4 must be flagged off and protected from damage during construction. (see Conditions B-1 & D-7.j.)

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified below under Conditions of Approval, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 20 Impact Fees

The additional residential lots created by this plat will produce impacts on schools and traffic; and are subject to School (SIF) and Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620.

The site is within:

- Evergreen School District, with a SIF of \$6,818.00 per dwelling;
- Rural 1 TIF sub-area with a TIF of \$2,749.47 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each new lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (see Conditions D-6.d. & E-3)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

The likely SEPA Determination of Non-Significance (DNS) in the Notice of Development Review Application issued on March 6, 2009 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$203**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

SEPA Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Alan Boguslawski, (360) 397-2375, ext. 4921.

Responsible Official: Michael V. Butts, Development Services Manager

DECISION

Based upon the proposed plan (identified as Exhibit #1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

| | |
|----------|---|
| A | Final Construction Review for Land Division Review & Approval Authority: Development Engineering |
|----------|---|

A-1 None

| | |
|----------|---|
| B | Prior to Construction of Development Review & Approval Authority: Development Inspection |
|----------|---|

- B-1 **Drainfields** – The initial and reserve drainfield areas for lots 2-4 shall be flagged off and protected from damage during construction. (see Finding 19)
- B-2 **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- B-3 **Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-4 **Erosion Control** - Erosion control facilities shall not be removed without County approval.
- B-5 **Excavation and Grading** - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

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| C | Provisional Acceptance of Development Review & Approval Authority: Development Inspection |
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

C-1 None

| | |
|----------|---|
| D | Final Plat Review & Recording Review & Approval Authority: Development Engineering |
|----------|---|

Prior to final plat approval and recording, the following conditions shall be met:

D-1 Final Landscape Plan – The applicant shall submit a final landscape plan in accordance with CCC 40.230.030, including the following conditions of approval (see Finding 3):

- a. The plan shall identify the species and planting size of proposed landscaping.
- b. The plantings shall consist of a combination of trees and shrubs providing a 6-foot high, 50% opaque year around screen, in accordance with CCC 40.21.020(D)(6).
- c. The landscape plantings shall be installed in accordance with the final approved landscape plan prior to final plat approval.
- d. The applicant shall provide verification, in accordance with Section 40.320.030(B), that the required landscape has been installed in accordance with the approved final landscape plan.

D-2 Floodplain – The 100-year floodplain shall be clearly delineated on the final plat. The floodplain delineation shall represent the SFHA depicted on the preliminary FEMA FIRM Map Number 53011C0411D. The floodplain limits shall range from a base flood elevation (100-year) of 220.00' NGVD on the eastern portion of Lot 1 to a base flood elevation of 222.5' NGVD on the western portion of Lot 1. These elevations represent the Preliminary Flood Insurance Study for Clark County Washington's base flood elevations for Lacamas Creek. (see Finding 8)

D-3 Habitat – The applicant shall clearly show building envelopes and habitat areas on the face of the final plat. Any revisions to the proposed building envelopes will require additional review. (see Finding 6)

D-4 Wetlands: (see Finding 7)

- a. Development envelopes that clearly avoid wetlands and wetland buffers shall be shown on the face of the Final Plat.
- b. A conservation covenant that runs with the land and requires that the wetlands and buffers remain in natural state shall be recorded with the County Auditor.

D-5 On-Site Water Wells and Sewage System Requirements – For on-site water wells and sewage system, the following requirements shall be completed (see Findings 18 & 19):

- a. Small public water systems shall be drilled and approved by the Health Department prior to final plat approval;
- b. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
- c. The location of all existing wells (in use, not in use, or abandoned) shall be indicated on the final plat map;

- d. Each on-site sewage system shall be on the same lot it serves;
- e. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
- f. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
- g. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
- h. A copy of the County approved final drainage plan shall be submitted for review; and,
- i. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

D-6 Developer Covenant – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- a. Stormwater Inspection – A covenant running with the land shall be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification. (see Finding 13)
- b. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- c. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- d. Impact Fees: "In accordance with CCC 40.610, the School and Traffic Impact Fees for the new dwellings in this short plat are: \$6,818.00 (Evergreen School District) and \$2,749.47 (Rural 1 TIF District), respectively.

The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." (see Finding 20)

- e. Land Near Agricultural, Forest or Mineral Resources: Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use under Revised Code of

Washington (RCW) Chapter 84.34. Therefore, the subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, and operation of machinery (including aircraft) during any twenty-four (24) hour period.

D-7 Plat Notes - The following notes shall be placed on the final plat:

- a. "No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping." (see Finding 2)
- b. "Sight-obscuring fences of any height are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences are at least fifty percent (50%) opaque." (see Finding 2)
- c. "To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features." (see Finding 2)
- d. Shoreline: "Any vegetation removal, construction or other development within the shoreline management area as delineated on the face of this plat may require review by Clark County for compliance with the Clark County Shoreline Master Program." (see Finding 5)
- e. Floodplain: "Any grading or structure placement on Lot 1 within the delineated 100-year floodplain will require a floodplain permit and shall meet the requirements of CCC 40.420 Flood Hazard Areas". (see Finding 8)
- f. Driveways: "All residential driveway approaches entering public roads shall comply with the applicable design standards in CCC 40.350.030(B)(4) & (7) regarding number, width, length, spacing, and paving." (see Finding 10)
- g. Driveways: "Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Where connecting to a paved rural street, public or private, the driveway shall be paved 20 feet back from the edge of the nearest travel lane or right-of-way, whichever is greater. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet." (see Finding 10)

- h. Archaeology: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- i. Building Envelope Note: "If any development activity or ground disturbance occurs outside of the building envelopes represented on the final plat, an additional archaeological predetermination survey will be required for the area impacted."
- j. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function." (see Finding 19)
- k. Wetlands: "No development shall occur outside the development envelopes shown on the face of this plat without prior approval from the Development Services Manager." (see Finding 7)
- l. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

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| E | Building Permits |
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| | Review & Approval Authority: Customer Service |
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Prior to issuance of building permits for Lots 2, 3, or 4, the following conditions shall be met:

- E-1 Stormwater Requirements** - At the time of building permit application, the home owner shall submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan; or shall demonstrate that CCC 40.380.040(B) and CCC 40.380.040(C) do not apply. At a minimum, the applicant shall provide evidence of performed monitoring and associated published paper and report in lieu of monitoring required by CCC 40.380.040(B)(9). (see Finding 13)
- E-2 Fire Protection** - Alternative construction methods shall be used due to lack of fire flow. This will require 30 foot rear and side setbacks and a class "A" rated

roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 sq. ft. of habitable space. (see Finding 15)

E-3 Impact Fees – The applicant shall pay impact fees as follows:

- a. \$6,818.00 per dwelling for School Impact Fees (Evergreen School Dist.)
- b. \$2,749.47 per dwelling for Traffic Impact Fees (Rural 1 TIF District)

If the building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current rate. (see Finding 20)

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| F | Occupancy Permits Review & Approval Authority: Building |
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 Driveways – A Road Approach Permit shall be obtained for all new driveways accessing public roads that have not been previously permitted. (see Finding 10)

F-2 Fire Apparatus Access - The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

All other new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (see Finding 17)

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| G | Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant |
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G-1 Within 5 years of preliminary plat approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 Department of Ecology Permit for Construction Stormwater - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall contact DOE for further information.**

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| H | Post Development Requirements Review & Approval Authority: As specified below |
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H-1 None

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| Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed. |
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Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on June 18, 2009. Therefore any appeal must be received in this office by 4:30 PM, July 2, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$1,166**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

Final Decision Attachment

For Employee Use Only -This is not part of the decision, but rather an attachment for processing purposes only.

| Final Plans Required with Construction Plans | YES | NO |
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| Final Landscape Plan: | | |
| -On-site landscape plan | X | |
| -Right-of-way landscape plan* | | X |
| Final Wetland Plan | | X |
| Final Habitat Plan | | X |

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

Building Setbacks Established at Preliminary Plan Review

Project Name: Howard Schmid Cluster Short Plat

Case Number: PLD2008-00071

The following minimum building setback requirements are based upon the zoning in place at the time, or setbacks as otherwise approved through preliminary plan review of the above listed project.

Setback Requirements by Lot

| Lot Number(s) | Front Setback | Garage Setback | Rear Setback | Side Setback | Street-side Setback |
|---------------|---------------|----------------|--------------|--------------|---------------------|
| 1-4 | 20'/50' Ag | 20' | 20'/50' Ag | 20'/50' Ag | N/A |
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